IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

Bail Appl..No. 7045 of 2006()

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CRIME NO.771/05 OF KAZHAKKUTTAM POLICE STATION

PETITIONER/2ND ACCUSED (PARTY IN CUSTODY)

LAL, S/O. THANKAPPAN,
MULLUVILA VEEDU, CHIDAMBARAVILAKOM,
AMBALATHINKARA, KAZHAKKUTTAM P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 7045 OF 2006

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DATED THIS THE 5TH DAY OF DECEMBER, 2006

O R D E R

Petitioner, who is the 2nd accused in Crime No.771/05 of Kazhakkuttam Police Station for offences punishable under sections 143, 147, 148, and 307 read with section 149 IPC and sections 3 and 4 of the Explosive Substances Act, seeks bail. The petitioner surrendered before the court on 29.9.2006 and was remanded to custody on that day.

2. Learned Public Prosecutor on instructions admitted that the final report has not been submitted in this case so far. If so, by virtue of the proviso to section 167(1) Cr.P.C., the petitioner is entitled to bail as of right. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 20,000/- (Rupees Twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-III, Thiruvananthapuram and subject to the following conditions:

1. The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn